

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALLAN FLETCHER,

Plaintiff,

v.

CLENDENIN, *et al.*,

Defendants.

Case No. 1:22-cv-00249-BAM (PC)

ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS BY A PRISONER AS
MOOT
(ECF No. 2)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS* BY A
NON-PRISONER
(ECF No. 6)

Plaintiff Allan Fletcher (“Plaintiff”) is a civil detainee appearing *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000).

Plaintiff initiated this action on February 28, 2022, together with a motion to proceed *in forma pauperis* by a prisoner. (ECF Nos. 1, 2.) On March 2, 2022, the Court issued an order for Plaintiff to submit an application to proceed *in forma pauperis* for a non-prisoner, or to pay the filing fee for this action. (ECF No. 4.)

Currently before the Court is Plaintiff’s motion for leave to proceed *in forma pauperis* by a non-prisoner, filed March 14, 2022. (ECF No. 6.) Examination of these documents reveals that Plaintiff is unable to afford the costs of this action.

Accordingly, IT IS HEREBY ORDERED as follows:

2 1. Plaintiff's motion to proceed *in forma pauperis* by a prisoner, (ECF No. 2), is DENIED as
3 moot;

4 2. Plaintiff's motion to proceed *in forma pauperis* by a non-prisoner, (ECF No. 6), is
5 GRANTED; and

6 3. Plaintiff's complaint will be screened in due course.

IT IS SO ORDERED.

Dated: March 15, 2022

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE